

S.N. 09/510,937

**REMARKS**

**I. APPLICANTS' INVENTION**

The present invention relates to a catheter balloon made of tube having a microstructure of nodes and fibrils such as porous expanded polytetrafluoroethylene (PTFE), further including a non-porous coating over the porous microstructure. The coating renders the balloon non-porous and thereby able to contain a desired inflating media (e.g., air or saline fluid). The thinness, flexibility and strength of the construction allow the resulting balloon to be collapsed to a small first diameter for insertion into a vascular conduit to a desired location at which it can be inflated to the maximum diameter of the tube in the fashion of a conventional polyethylene terephthalate (PET) catheter balloon. The balloon of the present invention is superior to such conventional balloons due to its flexibility, thinness, strength and lubricious materials.

**II. REMARKS, DIRECTED PRIMARILY TO THE REJECTION OF CLAIMS 10, 16 AND 18-19 UNDER 35 USC 102(b) AS ANTICIPATED BY US PATENT 4,106,509 TO McWHORTER AND THE REJECTION OF CLAIM 17 UNDER 35 USC 103(A) AS UNPATENTABLE OVER McWHORTER.**

Claims 1-20 are pending in the present application. Of these, claims 1-9 are allowed. Claims 10 and 16-19 are rejected under USC 102(b) and 103(a). Claims 11-15 are objected to as being dependent upon a rejected base claim (claim 10), but are stated to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants have now canceled claim 10 and amended claim 11 to become an independent claim incorporating the limitations of canceled claim 10 as well as the previous limitations of claim 11. Rejected claims 16-20 now depend from this amended claim 11 and should now accordingly be patentable. As amended herein, the application should now be in condition for allowance.

Applicants anticipate filing a continuing application to prosecute rejected claim 10. Applicants position with respect to the rejection of claim 10 is based on McWhorter's teaching of the use of ePTFE tubing for a catheter shaft that is not inflatable and consequently not intended to change diameter under pressure as it conveys fluid to the inflatable balloon (which does not include ePTFE) located at the catheter's distal end. As such, the tube of McWhorter is not configured as an inflatable balloon.


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### CONCLUSION

The applicants believe that their claims are in good and proper form and are patentable over the cited art. As such, the applicants respectfully request reconsideration, allowance of the claims and passage of the case to issuance.

If any questions remain, applicants request that the Examiner telephone the undersigned practitioner.

Respectfully Submitted,



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